



ZONING MAP CHANGE REPORT

Meeting Date: November 15, 2021

Application Summary			
Application Information			
Case Number	Z2000023	Submittal Date	May 22, 2020
Case Name	Rosewalk II		
Proposal	310 dwelling units and place of worship		
Applicant	Daniel Jewell, Coulter Jewell Thames PA		
Staff Contact	Michael Stock, Michael.Stock@durhamnc.gov		
Site Information			
Location	10 parcels located at the northeast corner of the intersection of West Club Boulevard and North Duke Street	Legacy Cases	Z1500020
Site Acreage	7.865	Existing Use	Place of worship, single-family residences, wooded land
Request			
Designation	Existing	Proposed	
Jurisdiction	City	No change	
Development Tier	Urban	No change	
Future Land Use	Medium Density Residential (6-12 DU/acre)	Staff Recommendation if the inconsistent zoning is approved: Medium High Density Residential (8-20 DU/acre)	
Zoning District(s)	Residential Urban-5(2) (RU-5(2)); Planned Development Residential 10.800 (PDR 10.800)	Residential Urban-Multifamily with a development plan (RU-M(D))	
Zoning Overlay(s)	None	No change	
TIA Required	No		
Recommendation and Determinations			
Staff	Except for the future land use map (FLUM) designation, staff determines that this request is consistent with the <i>Comprehensive Plan</i> and other adopted ordinances and policies.		
Planning Commission	The Planning Commission recommended approval with a vote of 12-1 on September 14, 2021.		
BPAC	See Attachment 10		

A. Summary

Daniel Jewell, of Coulter Jewell Thames PA, proposes to change the zoning designation of ten parcels of land totaling 7.865 acres, and located at the northeast corner of the intersection of West Club Boulevard and North Duke Street. The current zoning is Residential Urban-5(2) (RU-5(2)) and Planned Development Residential 10.800 (PDR 10.800). The applicant proposes to change this designation to Residential Urban-Multifamily with a development plan (RU-M(D)).

The properties are currently designated Medium Density Residential on the Future Land Use Map (FLUM) (Attachment 3). The proposed RU-M(D) zoning is inconsistent with the designated Future Land Use. If the proposed zoning is approved staff recommends a change to the FLUM to designate the property as Medium High Density Residential.

B. Legacy and Pending Approvals

No recent or legacy approvals apply to the parcels zoned RU-5(2). However, the property zoned PDR 10.800 received the rezoning approval by the Durham City Council on April 4, 2016 (Z1500020 Development Plan, Attachment 11). The approved development plan allows for a maximum of 60 dwelling units and up to 70 units if the affordable housing bonus is used. It required a mix of at least three housing types: single-family detached, single-family attached, and townhomes.

The development plan also included commitments regarding a shared green space, additional buffering, and the closing or right-of-way withdrawal of Sally Street which ran internal to the site, and a portion of Hildreth Street that connected to the site. The dedication of both streets has been withdrawn. No other development activity has occurred on the site.

C. Policy Analysis

The proposal has been evaluated against applicable adopted plans, policies, and ordinances.

- 1. Future Land Use Map Consistency.** The proposed RU-M(D) zoning is inconsistent with the designated Future Land Use of Medium Density Residential. If the proposed zoning is approved staff recommends a change to the FLUM to designate the property as Medium High Density Residential.
- 2. Comprehensive Plan Policies.** A zoning map change is reviewed for consistency with the Future Land Use Map and policies of the *Comprehensive Plan*. Except for the future land use designation, the application complies with the remaining seven policies. Attachment 6 provides the associated Comprehensive Plan policies which are applicable to the proposal.
- 3. Other Adopted Plans.** A zoning map change is reviewed for consistency with adopted plans, specifically the *2006 Comprehensive Bicycle Transportation Plan* and *MPO Comprehensive Transportation Plan*. These plans indicate a proposed bicycle lane along Club Boulevard. Although the Bicycle Pedestrian Advisory Commission (BPAC) recommended an additional five feet of asphalt, no improvements or right-of-way dedications were requested by the City Transportations Department for this request due to adequate right-of-way width already present along the West Club Boulevard frontage.

Additionally, the City has recently received funding for re-striping West Club Boulevard for protected bicycle lanes, but no designs have been drafted at this time.

- 4. Unified Development Ordinance (UDO) Compliance.** The zoning map change request has been reviewed by staff and determined to be compliant with UDO requirements. The commitments listed on the cover sheet of the development plan are in excess of UDO requirements, and have been determined to be legal and enforceable by staff. The staff recommended FLUM designation, in the case that the governing body approves the inconsistent zoning map change, has been reviewed in accordance with UDO paragraph 3.4.7, Criteria for Future Land Use Map Recommendations. See Attachment 6 for more details.

D. Impact Analysis

The proposal has been evaluated to suggest its potential impact on the transportation system, schools, water and sewer, stormwater, and affordable housing. In each case, the impact of the change is evaluated based upon a change from the most intense development using the existing land use and zoning to the most intense use allowed under the request.

- 1. Transportation Impacts.** The proposal has been evaluated to suggest its potential impact on the transportation system. North Duke Street and West Club Boulevard are the major roads impacted by the proposed zoning change. There are no scheduled City of Durham or NCDOT roadway improvement projects in the area. However, funding of protected bicycle lanes along West Club Boulevard has been approved.

Since no Traffic Impact Analysis (TIA) was submitted with this request, a maximum peak hour trip generation rate of 149 trips is allowed. The analysis in Attachment 7 uses the highest number of units in combination with a 20,000 square foot place of worship that would not exceed the 149 trip threshold. If this request is approved and a future project is submitted that exceeds the trip threshold, a new rezoning request will be required. Additional details are available in Attachment 7.

- 2. Impacts on Schools.** The proposal has been evaluated to suggest its potential impact on schools. Compared to the existing zoning, there will be an increase in the estimated school demand by 28 elementary students, eight middle school students, and five high school students. Additional details are available in Attachment 7.
- 3. Water and Sewer Impacts.** The proposal has been evaluated to suggest its potential impact on water and sewer infrastructure. This site will be served by city water and sewer. Water Management has reviewed the impact the proposed zoning will have on the following utilities:
 - Drinking water supply, treatment and distribution infrastructure, including available fire flow capacity; and
 - Waste water collection and treatment infrastructure, including downstream lift station capacity.

Improvements identified in the summary utility development statement (SUDS) are tentative until such a time as a Utility Extension Agreement (UEA) is approved at a future date. Additional details are available in the Summary Utility Development Statement, Attachment 10.

- 4. Environmental Impacts.** The proposal has been evaluated to suggest its potential environmental impacts, including stormwater. The Public Works Department's Stormwater Services Division reviewed the proposed zoning and determined that adequate riparian buffers, floodplain requirements and the appropriate impervious surface limitations have been addressed, where required. All other impacts associated with the application will be addressed at the time of site plan review, because that requires a level of detail is not required at the time of rezoning. The site is within the Neuse River Basin. No Natural Heritage Areas, regulated streams, floodplain, wetlands, or steep slopes have been identified on-site.

Impervious surface: No watershed protection overlay is applicable to this site; thus no maximum impervious surface requirement applies. The applicant has indicated a maximum impervious surface area of 90%, while the existing impervious surface area is approximately 16% of the site, due to the majority of the site being wooded. The previously approved development plan for the PDR-zoned portion of the site indicates a maximum impervious surface of 100%.

Tree coverage: The applicant has proposed the minimum tree coverage requirements. The proposed location is shown on the northern portion of the site. The minimum amount of tree protection required is 7%, or 0.55 acres. If tree protection cannot be achieved, then tree replacement can be used, which would require a tree replacement area of up to 10% of the site depending upon the mix of tree preservation and replacement.

5. **Affordable Housing Impacts.** This project is not proposed as an affordable housing development per the definition in the UDO. The applicant has proffered a committed element for a payment to the City of Durham's Dedicated Housing Fund in the amount of \$50,000, payable prior to the issuance of the first multifamily building permit.

Median Rents:

- City of Durham median rental price: \$1,231 for a 935 square foot unit (\$1.32 per square foot)
- The following are average rents for a 935 square foot unit in nearby neighborhoods:
 - Walltown: \$1,333
 - Duke Park: \$1,544
 - Trinity Park: \$1,544
 - Trinity Heights: \$1,333
 - Old North Durham: \$1,544
 - Northgate Park: \$1,093
 - Colonial Village: \$1,093
- Proposed Project Unit Rental Listing Price: None indicated

The rental statistics were compiled using data provided by Yardi Matrix via caferent.com, an apartment market intelligence solution which offers comprehensive information on all Durham apartment buildings 50 units or larger. No rental price information has been provided by the applicant at this time, although the applicant has indicated a desire to provide rents accommodating a range of incomes.

6. **Other Considerations.** The proposed apartment development would appear to be an appropriate housing type for the unique location of the site, being bound by major roadways and a freeway on three sides of the site. The plan offers a multitude of architectural design commitments, and some site design commitments, mainly in regards to parking, lighting, and landscaping. Although the applicant indicates the development would provide a functional link between the commercial development and established neighborhoods, no other site design proffers are listed and no other plan details are proposed that demonstrate that functionality.

Additionally, any development on this site will require sidewalks, if not already existing, and improvements to existing sidewalks. Internal walkways connected to sidewalks will also be required.

E. Development Plan

The zoning request includes a development plan. Due to the proposed density, a development plan is required for this zoning district request, and a development plan allows the applicant to proffer additional development improvements or limitations beyond UDO or other applicable development requirements. These “commitments” or “committed elements” become enforceable zoning regulations. Additionally, UDO paragraph 3.5.6D.4, Minimum commitments, lists aspects of a proposed development that are automatically considered committed.

The following are summarized committed elements proffered by the applicant, or commitments resulting from UDO paragraph 3.5.6D.4. Specific text is found on the development plan itself (see Attachment 5, Development Plan).

1. Minimum required commitments:
 - a. Maximum number of units- 157 per base zoning, and an additional maximum of 153 if using the Major Roadway Density Bonus
 - b. Non-residential square footage for the place of worship
 - c. Building and parking envelopes
 - d. Access points- located from West Club Boulevard and North Duke Street
 - e. Indication that streets may be private
 - f. Required tree coverage area
 - g. Maximum impervious surface area
 - h. Project boundary buffers
2. Additional proffers:
 - a. Limited housing type to apartments only
 - b. Architectural design elements
 - c. Use of only native species for landscaping
 - d. On-site parking limitations
 - e. Additional walkway lighting
 - f. Contribution to the Dedicated Housing Fund
 - g. Commitment to seek a traffic signal on North Duke Street

F. Compatibility Analysis

1. **Existing Character.** The site consists of two single-family residences fronting along West Club Boulevard, and single-family and duplex residences fronting along North Duke Street. A place of worship is also present at the corner of West Club Boulevard and North Duke Street. Otherwise, the site consists of woodlands with no identified regulatory environmental features. The following photos provide a visual context for the site.



View of site along N. Duke Street



Place of worship along N. Duke Street at Club Boulevard.



Site frontage along W. Club boulevard



- 2. Existing Development Patterns.** The site is surrounded by single- and two-family residential to the east and south, commercial development to the west, and Interstate 85 to the north. The following photos provide a visual context of the area. Due to the location of the site across from commercial development and bound on three sides by major roadways, apartments would appear to be an appropriate transitional residential use from the neighboring lower intensity residential areas.



Residential east along Club Boulevard



Residential south of the site



Commercial development west along N. Duke Street



Intersection of N. Duke Street and W. Club Blvd.



View along N. Duke Street north of W. Club Blvd.

G. Reasonable and in the Public Interest

UDO paragraph 1.2.1 states that the purpose of the ordinance is to “promote the health, safety and general welfare of the residents of Durham City and County” and subsection 1.2.2 provides the intent behind the regulations contained in the ordinance. These requests have been evaluated based upon the ordinance’s purpose and intent and the policies of the *Durham Comprehensive Plan*.

Staff Analysis. The proposed RU-M(D) zoning is a reasonable request for a site situated between established residential neighborhoods and commercial development, and bound on three sides by high-volume roadways. It maintains the ability for a place of worship to remain, in addition to proposed apartments which are an appropriate housing type in the Urban Tier, particularly between commercial and lower intensity residential uses. The plan proffers many architectural commitments, and some site design commitments.

H. Staff Conclusion

Except for the Future Land Use Map, staff determines that this request is consistent with the *Comprehensive Plan*, and other adopted ordinances and plans. If the zoning is approved, the recommended future land use designation should be Medium High Density Residential, which is consistent with the base zoning density allowances. Staff recognizes the unique location of the development site and that development consistent with a traditional small-lot pattern may not be applicable in this instance.

I. Summary of Planning Commission Meeting

Zoning Map Change Request: Residential Urban -5 (Duplex) (RU-5(2)); Planned Development Residential 10.800 (PDR 10.800) to Residential Urban-Multifamily with a development plan (RU-M(D))

Staff Report: Michael Stock presented Rosewalk II (Z2000023)

Public Hearing: Chair Buzby opened the public hearing. The applicant and four others spoke in support. Four people spoke in opposition. Chair Buzby closed the public hearing.

Commission Discussion: The discussion centered on traffic along Woodland Avenue and West Club Boulevard, the road diet scheduled and funded for West Club Boulevard, buffers, design commitments, and affordability.

MOTION: Recommend approval of case Z2000023. (Morgan, C. Williams 2nd)

ACTION: Approved, 12-1 (Baker voting No)

Consistency Statement: Except for the Future Land Use Designation, the Planning Commission determines that this request is consistent with the Comprehensive Plan and other adopted ordinances and policies. If the request is approved, the FLUM designation will be amended to maintain consistency. Staff recommends a designation of Medium High Density Residential. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.

J. Contacts

Staff Contact		
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Applicant Contact		
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K. Notification

Staff certifies that newspaper advertisements, letters to property owners, and the posting of a zoning sign on the property have been carried out in accordance with paragraph 3.2.5 of the UDO. In addition, email notice was provided per the Durham Planning Public Notification Service.

L. Attachments

1. Context Map
2. Aerial Map
3. Future Land Use Map
4. Application
5. Development Plan
6. Comprehensive Plan Consistency Analysis
7. Transportation and School Impacts
8. BPAC Comments
9. Engagement Summary

10. Summary Utility Development Statement
11. Z1500020 PDR 10.800 approved development plan
12. Public Interest Statement
13. Planning Commission Written Comments
14. Zoning Ordinance and Future Land Use
15. Consistency Statement per NCGS 160D-605